

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
NOV 20 2015  
JULIA A. GORDON, CLERK

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MICHAEL J. HUGHES,

Plaintiff,

– against –

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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ORDER  
15-CV-2294 (JFB)

JOSEPH F. BIANCO, District Judge:

On April 10, 2015, plaintiff filed a motion to proceed *in forma pauperis* and a complaint pursuant to 42 U.S.C. § 405(g), seeking review of a final decision of the Acting Commissioner of Social Security (the “Commissioner”) denying his application for disability benefits under the Social Security Act. On April 29, 2015, the Court granted the plaintiff’s motion to proceed *in forma pauperis* and directed the parties to adhere to the policies the Eastern District of New York’s Board of Judges has adopted for expediting the disposition of Social Security cases.

On July 28, 2015, defendant filed a motion to remand for further proceedings pursuant to 42 U.S.C. § 405(g). The Commissioner states that she is unable to provide a copy of the hearing testimony, as required by 42 U.S.C. § 405(g) because the recording of the hearing held on September 19, 2013 is defective. Plaintiff has not filed an opposition.

IT IS HEREBY ORDERED that defendant's motion to remand is granted. This case is remanded to the Acting Commissioner of Social Security for further administrative proceedings pursuant to 42 U.S.C. § 405(g).

SO ORDERED.

  
JOSEPH F. BIANCO  
UNITED STATES DISTRICT JUDGE

Dated: November 23, 2015  
Central Islip, NY